

# **SERVICE PLAN CITY OF BULVERDE, TEXAS**

## **SERVICE PLAN FOR ANNEXATION OF APPROXIMATELY 1.147 SQUARE MILES OF LAND GENERALLY LOCATED TO THE SOUTHEAST OF THE CURRENT CITY LIMITS LINE ALONG STATE HWY 46, EAST OF US HWY 281 AND SOUTH OF THE SOUTHERN TERMINUS OF SUN VALLEY DRIVE September 2015**

This service plan shall be valid for ten (10) years from and after the effective date of the annexation ordinance annexing this specific land, all of which is lying within the City's Extraterritorial Jurisdiction (ETJ); legal description of said property described by metes and bounds attached as Exhibit A and all property incorporated herein by reference, is hereby added and annexed to the City of Bulverde, Texas and said territory as described shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points contiguous to the area described by metes and bounds in Exhibit "A". Renewal of the service plan shall be solely at the discretion of the City of Bulverde.

This service plan is a contractual obligation that is not subject to amendment or repeal except that if the City Council determines at public hearings required by Chapter 43 of the Texas Local Government Code, that changed conditions or subsequent occurrences make this service plan unworkable or obsolete, the City Council may amend the service plan to conform to the change conditions or subsequent occurrences. An amended service plan shall provide for services that are comparable to or better than those established in the service plan before amendment. Before any amendment is adopted, the City Council shall provide an opportunity for interested persons to be heard at public hearings called and held in the manner provided by Chapter 43 of the Texas Local Government Code.

Upon annexation of the area identified above and as more particularly identified in Exhibit A, the City of Bulverde will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

### **SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION**

As used in this plan, the term "services provided" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City with like topography, land use and population density as those found within the newly annexed areas, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

#### **1. Police Protection**

The City of Bulverde will provide law enforcement services to newly annexed areas at the same or similar level of service currently being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas.

#### **2. Fire Protection and Emergency Medical Services**

The City of Bulverde does not have a municipal fire department. Fire Protection services are currently provided within the City by the Comal County Emergency Services Districts #4 and #5. The Comal County Emergency Services Districts #4 and #5 will continue to provide fire protection to newly annexed areas at the same or similar level of service currently being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

The City of Bulverde does not have a municipal Emergency Medical Service (EMS). EMS services are currently provided within the City by the Comal County Emergency Services District #1. The Comal County Emergency Services District #1 will continue to provide EMS services to newly annexed areas at the same or similar level of service currently being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

### **3. Maintenance of Water and Wastewater Facilities**

All water and wastewater facilities owned or maintained by the City of Bulverde at the time of the proposed annexation shall continue to be maintained by the City of Bulverde. All water and wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by the City of Bulverde to the extent of its ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the City of Bulverde standard extension policy now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City's Code of Ordinances.

### **4. Solid Waste Collection**

Solid waste collection services are provided within the City of Bulverde by a solid waste management service provider who holds an exclusive franchise agreement with the City. Solid waste management services will be provided to citizens in the newly annexed areas at the same or similar level of service currently being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. After the second anniversary of the annexation date, the City will prohibit the collection of solid waste in the area by any solid waste management service provider other than the solid waste management provider holding a franchise agreement with the City.

### **5. Maintenance of Roads, Streets and Control Devices**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association. The City will assume the expenses for operation and maintenance of public streetlights at intersections, dead ends and other locations that conform to the City's policy for placing streetlights. Streetlights, traffic control devices and street name signs will be maintained by the City.

### **6. Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Bulverde, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

### **7. Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of Bulverde, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

## **8. Other Services**

The City of Bulverde, Texas finds and determines that such services as planning, code enforcement, animal control, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service currently being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

## **CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS**

### **1. Police and Fire Protection and Solid Waste Collection**

The City of Bulverde, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Bulverde, Texas with like topography, land use and population density as those found within the newly annexed areas.

### **2. Water and Wastewater Facilities**

The City of Bulverde, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing Water and Wastewater services. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Bulverde, Texas with like topography, land use and population density as those found within the newly annexed areas.

### **3. Roads and Streets**

The City of Bulverde, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

### **4. Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of Bulverde, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

## **SPECIFIC FINDINGS**

The City of Bulverde, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

**TERMS**

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the sole discretion of the City of Bulverde.

**LEVEL OF SERVICE**

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

**AMENDMENTS**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.

**PHASE 5**  
**FIELD NOTE DESCRIPTION**  
**OF APPROXIMATELY 1.147 SQUARE MILES**  
**FOR POLITICAL BOUNDARY PURPOSES**

BEING AN APPROXIMATELY 1.147 SQUARE MILE TRACT OF LAND SITUATED IN COMAL COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN 767.849 ACRE TRACT CONVEYED TO OCEAN VIEW PROPERTY GROUP, LTD, SAID 1.147 SQUARE MILE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING**, AT A POINT SITUATED ON THE EXISTING BULVERDE CITY LIMIT LINE, BEING APPROXIMATELY 668 FEET SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 46 AND ON THE COMMON EASTERLY BOUNDARY LINE OF THAT CERTAIN 10.7 ACRE TRACT CONVEYED TO STUDER MORTON COMPANIES, INC AND THE WESTERLY BOUNDARY LINE OF SAID OCEAN VIEW PROPERTY GROUP, LTD TRACT;

**THENCE**, INTO SAID OCEAN VIEW TRACT THE FOLLOWING COURSES:

IN A NORTHEASTERLY DIRECTION, ALONG SAID EXISTING CITY LIMIT LINE, BEING APPROXIMATELY 640 FEET SOUTH OF SAID RIGHT OF WAY, AN APPROXIMATE DISTANCE OF 4932 FEET TO A POINT MARKING THE MOST EASTERLY CORNER OF SAID EXISTING CITY LIMITS AND A CORNER OF THIS TRACT;

IN A NORTHWESTERLY DIRECTION, AN APPROXIMATE DISTANCE OF 652 FEET TO A POINT IN SAID RIGHT OF WAY;

**THENCE**, IN A NORTHEASTERLY DIRECTION, ALONG SAID RIGHT OF WAY, AN APPROXIMATE DISTANCE OF 1738 FEET TO A POINT MARKING THE COMMON NORTHEASTERLY CORNER OF SAID OCEAN VIEW TRACT AND THE NORTHWESTERLY CORNER OF THE  $\pm$  15.935 ACRE AMERICAN CKRITICAL ENERGY SYSTEMS TRACT;

IN A SOUTHERLY DIRECTION, AND ALONG THE WESTERLY BOUNDARY LINE OF SAID AMERICAN CKRITICAL ENERGY SYSTEMS TRACT AND THE AMMA BELL GREEN ESTATE TRACT, AN APPROXIMATE DISTANCE OF 5989 FEET FOR THE SOUTHEASTERLY CORNER OF THIS TRACT;

**THENCE**, IN A SOUTHWESTERLY DIRECTION, SEVERING SAID OCEAN VIEW TRACT, AN APPROXIMATE DISTANCE OF 3019 FEET FOR THE SOUTHERLY CORNER OF THIS TRACT SITUATED ON THE COMMON NORTHERLY BOUNDARY LINE OF THE ROGER AND DARCIE BOWLER TRACT AND THE SOUTHERLY LINE OF SAID OCEAN VIEW TRACT;

**THENCE**, IN A NORTHWESTERLY DIRECTION, ALONG SAID COMMON BOUNDARY LINE AND THE COMMON SOUTHERLY BOUNDARY LINE OF SAID OCEAN VIEW TRACT AND COMAL TRACE SUBDIVISION, AN APPROXIMATE DISTANCE OF 2997 FEET TO THE SOUTHWESTERLY CORNER OF THIS TRACT;

**THENCE**, IN A NORTHERLY DIRECTION, ALONG SAID COMMON WESTERLY BOUNDARY LINE OF SAID OCEAN VIEW TRACT AND SAID COMAL TRACE SUBDIVISION, AN APPROXIMATE DISTANCE OF 3371 FEET TO THE **POINT OF BEGINNING**, CONTAINING AN AREA OF APPROXIMATELY 1.147 SQUARE MILES OF LAND, MORE OR LESS.

**POLITICAL BOUNDARY ANNEXATION  
TO CITY OF BULVERDE  
PHASE-5 EXHIBIT**

Exhibit "A"

